

Interview Summary

Application No.
09/030,985

Applicant(s)
Falo et al

Examiner
F. Pierre VanderVegt

Group Art Unit
1644



All participants (applicant, applicant's representative, PTO personnel):

(1) F. Pierre VanderVegt (3) _____
(2) Diane Meyers (4) _____

Date of Interview Feb 13, 2001

Type: ☒ Telephonic ☐ Personal (copy is given to ☐ applicant ☐ applicant's representative).

Exhibit shown or demonstration conducted: ☐ Yes ☒ No. If yes, brief description:

Agreement ☒ was reached. ☐ was not reached.

Claim(s) discussed: 13, 20, and 37-41

Identification of prior art discussed:

None

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The examiner explained to Applicant's representative that the reason previously canceled claims 16 and 31-36 could not be rejoined with the currently pending claims was because the claims were drawn to a species (16) and an invention (31-36) which were non-elected by applicant early in prosecution due to a restriction requirement. The examiner explained that since the restriction requirement was maintained through the final action, the claims to the viral species and method invention were never examined on their merits during prosecution. Therefore, rejoining of those claims at this stage would require new consideration. It was made clear that since these claims were restricted out by the office and not examined on their merits, applicant was not estopped from pursuing this claims in other applications. For this same reason, applicant agreed to the deletion of the recitation of "viral" in instant claims 13 and 20. New method claims 37-41 are drawn to a method which is exclusive to the use of the composition of allowed claims 13-15 and 17-24, corresponding to previous claims 31-36. No new matter has been introduced.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. ☒ It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. ☒ Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.